

**Zoning Board of Appeals Minutes
July 28, 2020**

ZBA MEMBERS	ZBA MEMBERS ABSENT	STAFF PRESENT
Jim Racheff- Chair Kenneth Ying Lawrence Aronow Shuan Butcher Steve West Bob Sisson-Alternate Member		Gabrielle Collard, Division Manager of Current Planning Carreanne Eyler, Office Manager Brandon Mark, Division Manager of Comprehensive Planning/Urban Development Stephen Davis, Assistant City Attorney Jessica Murphy, Administrative Assistant

I. ANNOUNCEMENTS: None

II. GENERAL PUBLIC COMMENT: None

III. APPROVAL OF MINUTES:

Approval of the **May 26, 2020** Zoning Board of Appeals Meeting Minutes as published:

MOTION: Mr. West moved for approval of the **May 26, 2020** hearing minutes.

SECOND: Mr. Aronow

VOTE: 4-0

IV. PUBLIC HEARING-SWEARING IN:

“Do you solemnly swear or affirm that the responses given, and statements made in this hearing before the Zoning Board of Appeals will be the whole truth and nothing but the truth.” If so, answer “I do”.

V. CONTINUANCES: None

VI. OLD BUSINESS: None

VII. NEW BUSINESS:

A. ZBA20-550CU, Conditional Use, 1781 N Market Street

MOTION: Mr. Butcher moved for approval of conditional use application ZBA20-550CU for the establishment of a Brewery at 1728 N. Market Street based on the following findings of fact:

1. That the proposed use will be harmony with the purpose and intent of the Comprehensive Plan as it supports polices of the Land Use and Economic Development Elements of the 2010 Plan.
2. That the M1 district permits a wide variety of uses that have the potential to generate significant impacts in terms of noise, traffic, dust, and debris and that the characteristics of the proposed use and its operation will not create any greater adverse impact than the operation of those permitted uses.
3. That the Applicant has demonstrated compliance with all the applicable criteria of Section 857 for the establishment of a Brewery including:
 - a. That the facility will operate in compliance with all applicable laws and regulations, including but not limited to the Maryland Annotated Code, Alcoholic Beverages Article, and the regulations promulgated by the Frederick County Liquor Board.
 - b. That the total area dedicated to retail sales, tasting rooms, and food and beverage service will not comprise more than 40% of the total square footage of the use.
 - c. That the use will host entertainment consistent with the definitions contained in Section 857 but will not host any “special events” at the facility.
 - d. That the Applicant has provided a floorplan of the existing facility demonstrating the various components of the use as well as obtained permit approval for the fenced enclosure area in front of the building where entertainment will occur.

And with the following conditions:

1. That prior to hosting entertainment within the principal structure the Applicant must obtain approval from the Building Department.

SECOND: Dr. Ying

VOTE: 4-0

VIII. BOARD BUSINESS:

B. Zoning Board of Appeals Rules of Procedures

MOTION: Mr. Aronow moved for approval of the Zoning Board of Appeals Rules of Procedures as written.

SECOND: Mr. West

VOTE: 4-0

IX. ITEMS ADDED TO AGENDA

Zoning Determinations Completed:

- ZBA20-359ZD, Worman’s Mill Assisted Living
 - ZBA20-433ZD, 123 E. 8th Street
 - ZBA20-509ZD, 199 Baughmans Lane
 - ZBA20-574ZD, Riverside Corporate Park, Lot 409
 - ZBA20-575ZD, Riverside Corporate Park, Lot 410
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X. ADJOURNMENT

Meeting adjourned approximately at 7:45 p.m.

Respectfully Submitted,
Jessica Murphy
Administrative Assistant

APPROVED 8/25/2020